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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,323	12/07/2001	Hyoung Yoon Kim	P-0304	4253

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EXAMINER
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SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,323	<b>Applicant(s)</b> KIM, HYOUNG YOON	
	<b>Examiner</b> Matthew C. Sams	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2006 has been entered.

### ***Response to Amendment***

2. This office action has been changed in response to the amendment filed on 9/29/2006.

### ***Response to Arguments***

3. Applicant's arguments filed 9/29/2006 have been fully considered but they are not persuasive.

4. In response to the applicant's argument regarding claim 1 that "the Adkins publication expressly teaches away from these features" (Pages 8-9), the examiner disagrees.

Adkins teaches the current status of the technology in paragraph [0003]. Adkins states that a computer and headset must be purchased separately. Adkins does not teach away from the use of a PC, but instead is providing in a single package, a

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handset and a computer so that the user does not have to purchase them separately. If the applicant's computer is structurally different from the computer Adkins describes on Pages 4-5 [0062-0086] and shown in Fig. 2, then claim such differences. Adkins clearly teaches a display (Fig. 2 [38], QWERTY keyboard (touchscreen Fig. 2 [12]), BLUETOOTH (Page 1 [0015]), has a camera and access to email (Page 1 [0016]), a web browser (Page 1 [0008]), access to the Internet (Page 1 [0008]), RAM and includes a microprocessor (Page 1 [0017]) which in the examiner's opinion, broadly describes a personal computer.

5. In response to the applicant's argument regarding claim 1 that "Adkins publication also does not disclose the MSM" (Page 9 Last Para), the examiner disagrees.

Adkins teaches two methods of answering a phone call, the user either presses the "T" button as the applicant states or presses the "speaker button 21" Page 5 [0091] to access the speaker phone function on the base unit. Therefore, it is obvious that Adkins teaches a check to alter input/output ports depending upon the selected mode for using the Internet phone service.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the handset that **automatically** and checks whether the terminal has been set to a headset mode" Page 10 [Para 1]) are not recited in the rejected claim(s) and is not mentioned in the specification. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re*

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*Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Further, this appears to be a new matter issue.

### ***Drawings***

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "mobile station modem" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins (US 2005/0032543).

Regarding claim 1, Adkins teaches a system for utilizing a mobile communication terminal (Fig. 2 [28]) as a wireless handset comprising a personal computer (PC) (Fig. 2 [13]) adapted to access an Internet phone service (Page 2 [0036]) and a mobile communication terminal (Fig. 2 [28]) adapted to function as a wireless handset for the PC when the PC accesses the Internet phone service (Page 2 [0036]) where the mobile communication terminal (Fig. 2 [28]) comprises a built-in wireless communication capability to enable wireless communication between a plurality of communication devices (Page 4 [0067]) and a mobile station modem to check whether the terminal has been set to a handset mode and, when the check indicates that the handset mode has been set, to alter input/output ports for communicating speech signals of a call between the terminal and personal computer through the built-in wireless communication capability. (Fig. 3 [60], Page 4 [0070-0077], specifically [0073] and Page 5 [0089-0092]) Although Adkins does not teach a wireless headset, it would be obvious to one of ordinary skill in the art to incorporate the functions of Adkins into a headset because Adkins handset is already mobile which makes the design small, light and portable.

Regarding claim 2, Adkins teaches the PC comprises wireless communication abilities (Page 4 [0067]) configured to receive speech signals (Page 4 [0077]) from the mobile communication terminal (Fig. 2 [28]) and to transmit the received speech signal to a sound card of the PC. (Fig. 3 [10, 13 & 70])

Regarding claim 3, Adkins teaches the mobile communication terminal (Fig. 2 [28]) comprises a speaker (Fig. 2 [27]), a microphone (Fig. 2 [29]), and a wireless communication device (Page 4 [0067]) configured to transmit a speech signal (Page 4 [0067 & 0077]) inputted from the microphone (Fig. 2 [29]) to the PC (Fig. 2 [13]) using a wireless communication protocol (Page 4 [0067]) and to output the speech signal received from the PC to the speaker. (Fig. 2 [27])

Regarding claim 4, Adkins teaches a system for utilizing a mobile communication terminal (Fig. 2 [28]) as a wireless handset comprising a mobile communication terminal with a built-in wireless communication (Page 4 [0067 & 0077]) capability configured to enable wireless communication between a plurality of communication devices (Page 3 [0048] & Page 4 [0067]) where the mobile communication terminal is configured to function as a wireless handset of the PC when the PC has access to the Internet phone service (Page 3 [0048]) and the mobile communication terminal comprises a speaker (Fig. 2 [27]), a microphone (Fig. 2 [29]), a mobile station modem to check whether the terminal has been set to a handset mode and, when the check indicates that the handset mode has been set, to alter input/output ports for communicating speech signals of a call between the terminal and personal computer through the built-in wireless communication capability (Fig. 3 [60], Page 4 [0070-0077], specifically [0073])

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and Page 5 [0089-0092]) and a wireless communication device (Page 4 [0067]) configured to transmit speech signals from the microphone (Fig. 2 [29]) to the PC (Fig. 2 [13]) using a wireless communication protocol (Page 4 [0067]) and to output the speech signal received from the PC to the speaker. (Fig. 2 [27]) Although Adkins does not teach a wireless headset, it would be obvious to one of ordinary skill in the art to incorporate the functions of Adkins into a headset because Adkins handset already mobile which makes the design small, light and portable.

Regarding claim 5, Adkins teaches a mobile communication terminal (Fig. 2 [28]) as a wireless handset comprising setting an operation mode of the mobile communication terminal (Page 4 [0070]), checking whether or not the set-operating mode is a headset mode (Page 4 [0070]), adjusting input/output ports of the mobile communication terminal (Fig. 2 [28]) if the set operating mode is a headset mode (Page 4 [0063]), and transmitting a speech signal from a microphone (Fig. 2 [29]) of the mobile communication terminal (Fig. 2 [28]) to a personal computer (Fig. 2 [13]) via a wireless communication device of the mobile communication terminal (Page 4 [0067] and Fig. 3), wherein the determining is performed by a mobile station modem to check whether the terminal has been set to a handset mode for communicating speech signals of a call between the terminal and personal computer through the built-in wireless communication capability. (Fig. 3 [60] and Page 4 [0070-0077], specifically [0073])

Regarding claim 6, Adkins teaches accessing an Internet phone service (Page 2 [0036]) after the PC (Fig. 2 [13]) receives the speech signal from the mobile communication terminal (Fig. 2 [28]). (Page 4 [0068 & 0077])

Regarding claim 7, Adkins teaches performing a normal wireless telephone call service if the set operating mode is a general call mode. (Page 3 [0048] and Page 4 [0070])

Regarding claim 8, Adkins teaches a built in wireless communication capability of the mobile communication terminal (Fig. 2 [28]) is compatible with a built in wireless communication capability of the PC (Fig. 2 [13]). (Page 4 [0067])

Regarding claim 9, Adkins teaches a built in wireless communication capabilities of the mobile communication terminal (Page 4 [0067] and Fig. 3) and the PC (Fig. 2 [13]) are compatible with a predetermined wireless communication protocol. (Page 4 [0067])

Regarding claim 10, Adkins teaches the built in wireless communication capabilities of the mobile communication terminal (Fig. 2 [28]) and the PC (Fig. 2 [13]) and the predetermined wireless communication protocol (Page 4 [0067]) are configured to enable wireless communication amongst a plurality of predetermined components positioned within a given proximity of one another. (Page 4 [0067])

Regarding claim 11, Adkins teaches input/output ports of the mobile communication terminal (Fig. 2 [28]) are configured to be adjusted by the modem station modem when the terminal is set to the headset mode selected from a plurality of operating modes of the mobile communication terminal. (Page 4 [0063-0077])

Regarding claim 12, Adkins teaches a plurality of operating modes of the mobile communication terminal (Fig. 2 [28]) comprises the headset mode and a general call mode. (Page 3 [0048] & Page 4 [0070])

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Regarding claim 13, Adkins teaches a PC (Fig. 2 [13]) is configured to access the Internet phone service through an Internet network. (Page 2 [0036] & Page 4 [0067])

Regarding claim 14, the limitations of claim 14 are rejected as the same reason set forth above in claim 10.

Regarding claim 15, the limitations of claim 15 are rejected as the same reason set forth above in claim 8.

Regarding claim 16, the limitations of claim 16 are rejected as the same reason set forth above in claim 11.

Regarding claim 17, the limitations of claim 17 are rejected as the same reason set forth above in claim 12.

Regarding claim 18, the limitations of claim 18 are rejected as the same reason set forth above in claim 13.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS

1/29/2007



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